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EXAMINER

CHO, UN C

ART UNIT

PAPER NUMBER

2682

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,909

Applicant(s)

JUNCKER ET AL.

Examiner

Un C Cho

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12, 16, 26-30, 33-37 and 40 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 13-15, 17-25, 31, 32, 38, 39 and 41-49 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Double Patenting

1. Claims 8 and 16 of this application conflict with claims 1 and 12 of Application No. 10/639,531. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Objections

1. Claims 2, 17, 23, 24 and 48 are objected to because of the following informalities:

Regarding claim 2, line 3 of the claim recites, "... transfer function envelopepath transfer function envelope..." it is unclear.

Regarding claim 17, line 2 of the claim recites, "... derived by derived by ..." one of the "derived by" should be deleted.

Regarding claim 23, line 1 of the claim recites, "... the Doppler spread estimatea ..." it should be "the Doppler spread estimates ..." instead.

Regarding claim 24, line 3 of the claim recites, "... second speed estimate value in dependent on the magnitude ..." it is unclear.

Regarding claim 48, line 4 of the claim recites, "... second speed estimate value in dependent on the magnitude ..." it is unclear.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 8, 9, 10, 26, 27, 28, 33, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu et al. (US 6,449,489) in view of Winters et al. (US 6,505,053).

Regarding claim 1, Lu discloses a method of estimating the Doppler shift of a radio signal comprising: receiving a radio signal (the user equipment receives a communication signal, Col. 8, lines 60 – 61), and computing an estimate of the Doppler spread of said radio signal (the Doppler shift of the received communication signal is calculated by the user equipment, Col. 8, lines 63 – 64).

However, Lu does not specifically disclose the feature of deriving a value for the derivative of the envelope of the path transfer function for said radio signal. On the other hand, Winters discloses deriving a result after the complex envelope of the received signal passes through the filtering process (Col. 3, lines

24 – 49 and Col. 8, lines 33 – 35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Winters to the system of Lu in order to provide an improved performance in wireless mobile communication networks by improving the ability of the system to correct for fading behavior.

Regarding claim 2, Lu as applied to claim 1 above differ from claim 2 in the present invention in that Lu does not specifically disclose that the value for the derivative of said envelope is derived by low-pass filtering an envelope signal representing the path transfer function to band limit it and filtering the band-limited envelope signal using an FIR filter.

However, Winters discloses that the incoming complex baseband signal is filtered through a filter containing a low pass filter (LPF) and a finite impulse response filter (FIR) (Col. 4, lines 6 – 39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Winters to the modified system of Lu in order to provide an improved performance in wireless mobile communication networks by improving the ability of the system to correct for fading behavior.

Regarding claim 3, Lu as applied to claim 1 above differ from claim 3 in the present invention in that Lu does not specifically disclose that the envelope signal comprises a sequence of samples representing the path transfer function envelope.

However, Winters discloses that the envelope signal comprises samples representing the envelope (Col. 3, lines 24 – 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Winters to the modified system of Lu in order to provide an improved performance in wireless mobile communication networks by improving the ability of the system to correct for fading behavior.

Regarding claim 8, Lu in view of Winters as applied to claim 1 above discloses a method of estimating the Doppler shift of a radio signal comprising: receiving a radio signal (the user equipment receives a communication signal, Col. 8, lines 60 – 61), computing an estimate of the Doppler spread of said radio signal (the Doppler shift of the received communication signal is calculated by the user equipment, Col. 8, lines 63 – 64) and deriving a value for the speed of said mobile station from said Doppler spread estimate (Col. 6, lines 1 – 19). In addition, Winters discloses deriving a result after the complex envelope of the received signal passes through the filtering process (Col. 3, lines 24 – 49 and Col. 8, lines 33 – 35).

Regarding claim 9, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 10, the claim is interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 26, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 27, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 28, the claim is interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 33, the claim is interpreted and rejected for the same reason as set forth in claim 8.

Regarding claim 34, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 35, the claim is interpreted and rejected for the same reason as set forth in claim 10.

3. Claims 4, 5, 11, 12, 16, 29, 30, 36, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Winters as applied to claim 1 above, and further in view of Mallette et al. (US 6,636,574).

Regarding claim 4, Lu in view of Winters as applied to claim 1 above differs from claim 4 in the present invention in that Lu as modified by Winters does not specifically disclose that the computing of said estimate of the Doppler spread comprises determining the variance of said derivative value.

However, Mallette discloses that the Doppler spread is estimated based on the estimated auto covariance function estimated from the magnitude of the signal squared or the Doppler spread estimate based on the estimated autocorrelation from both the in-phase and quadrature components of the

received signal (incoming signals inherently pass through a LPF (not shown), thus it is assumed that estimating of auto covariance is done after) (Col. 3, line 67 through Col. 4, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Mallette to the modified system of Lu and Winters in order to provide estimating of Doppler spread with improved noise immunity.

Regarding claim 5, Lu in view of Winters as applied to claim 1 above discloses computing of the estimate of the Doppler spread comprises determining a value indicative of the received power of said radio signal (Lu, Col. 6, lines 1 – 19 and lines 44 – 67).

Regarding claim 11, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Regarding claim 12, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 16, Lu in view of Winters and further in view of Mallette as applied to claim 4 above discloses receiving a radio signal (the user equipment receives a communication signal, Lu, Col. 8, lines 60 – 61), deriving first and second values for the derivative of the envelope of said radio signal (Doppler spread being proportional to the product of the first and second ratios, Mallette, Col. 3, lines 46 – 55), computing first and second estimates of the Doppler spread of said radio signal from said derivative values (first and second values are estimated, Mallette, Col. 2, lines 55 – 65) and deriving a value for the

speed of said mobile station from said Doppler spread estimates (Lu, Col. 6, lines 1 – 19).

Regarding claim 29, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Regarding claim 30, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 36, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 37, the claim is interpreted and rejected for the same reason as set forth in claim 12.

Regarding claim 40, the claim is interpreted and rejected for the same reason as set forth in claim 16.

Allowable Subject Matter

4. Claims 17 - 22, 23, 24 and 48 would be allowable if rewritten to overcome the claim objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 17, Regarding claim 17, Lu as modified by Winters teaches that the incoming complex baseband signal is filtered through a filter containing a low pass filter (LPF) and a finite impulse response filter (FIR) (Col.

4, lines 6 – 39). However, Lu, Winters and Mallette either alone or in combination fails to disclose that the first value for the derivative of the envelope of said radio signal is derived by low-pass filtering an envelope signal representing the path transfer function envelope to band limit it and filtering the band-limited envelope signal using an FIR filter and said second value for the derivative of the envelope of said radio signal is derived by low-pass filtering an envelope signal representing the path transfer function envelope to band limit it and filtering the band-limited envelope signal using an FIR filter, the first value being derived using a low-pass filter characteristic having a lower cut-off frequency than that of the low-pass filter characteristic used for deriving said second value.

Regarding claim 23, Lu, Winters and Mallette either alone or in combination fails to disclose that the Doppler spread estimates are calculated in accordance with the formula shown in claim 23.

Regarding claim 24, Lu, Winters and Mallette either alone or in combination fails to disclose deriving first and second speed estimates values from the first and second Doppler spreads respectively and selecting the first or second speed estimate value dependent on the magnitude of the first or second speed estimate value to provide said speed estimate.

Regarding claim 48, the claim is interpreted and objected for the same reason as set forth in claim 24.

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6. Claims 6, 7, 13, 14, 15, 25, 31, 32, 38, 39, 41 – 46, 47 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 6, Lu as modified by Winters and Mallette teaches estimating the Doppler spread. However, Lu, Winters and Mallette either alone or in combination fails to disclose that the Doppler spread estimate is calculated by determining the square root of the result of dividing twice said variance by said value indicative of the received power of the signal.

Regarding claim 7, Lu as modified by Winters and Mallette teaches estimating the Doppler spread. However, Lu, Winters and Mallette either alone or in combination fails to disclose that the Doppler estimate is calculated in accordance with the formula shown in claim 7.

Regarding claim 13, the claim is interpreted and objected for the same reason as set forth in claim 6.

Regarding claim 14, the claim is interpreted and objected for the same reason as set forth in claim 7.

Regarding claim 15, Lu, Winters and Mallette either alone or in combination fails to disclose that the speed of the mobile station is calculated in accordance with the formula shown in claim 15.

Regarding claim 25, Lu, Winters and Mallette either alone or in combination fails to disclose that the first and second speed estimate values are calculated in accordance with the formula shown in claim 25.

Regarding claim 31, the claim is interpreted and objected for the same reason as set forth in claim 6.

Regarding claim 32, the claim is interpreted and objected for the same reason as set forth in claim 7.

Regarding claim 38, the claim is interpreted and objected for the same reason as set forth in claim 13.

Regarding claim 39, the claim is interpreted and objected for the same reason as set forth in claim 14.

Regarding claim 41, Regarding claim 17, Regarding claim 17, Lu as modified by Winters teaches that the incoming complex baseband signal is filtered through a filter containing a low pass filter (LPF) and a finite impulse response filter (FIR) (Col. 4, lines 6 – 39). However, Lu, Winters and Mallette either alone or in combination fails to disclose that the first value for the derivative of the envelope of said radio signal is derived by low-pass filtering an envelope signal representing the path transfer function envelope to band limit it and filtering the band-limited envelope signal using an FIR filter and said second value for the derivative of the envelope of said radio signal is derived by low-pass filtering an envelope signal representing the path transfer function envelope to band limit it and filtering the band-limited envelope signal using an FIR filter, the

first value being derived using a low-pass filter characteristic having a lower cut-off frequency than that of the low-pass filter characteristic used for deriving said second value.

Regarding claim 47, Lu, Winters and Mallette either alone or in combination fails to disclose that the Doppler spread estimates are calculated in accordance with the formula shown in claim 47.

Regarding claim 49, the claim is interpreted and objected for the same reason as set forth in claim 25.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sandberg (US 2002/0172307) discloses a method and apparatus for estimating Doppler spread associated with a Rayleigh or fast fading channel established between a radio base station and a mobile radio station.

Katz et al. (US 6,697,640) discloses a method of directional radio communication between a first station and a second station comprises the steps of transmitting signals from the second station to the first station via a radio channel.

Molnar et al. (US 6,680,969) discloses a Doppler spread for a communication channel is measured by providing an estimate of the

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communication channel and generating an autocorrelation function for the estimate of the communications channel.


Krasny et al. (US 6,563,861) discloses a receiving apparatus Doppler spread estimator including a receiver receiving signals over a transmission channel that varies over time due to fading and converting the signals to digital samples for processing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703)305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho UC 9/16/04
Examiner
Art Unit 2682


9/20/04
LESTER G. KINCAID
PRIMARY EXAMINER